

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Roy N. Packineau,
Plaintiff,
vs.
Jo Anne B. Barnhart, Commissioner,
Social Security Administration,
Defendant.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Case No. 1:06-cv-058

Jo Anne B. Barnhart, Commissioner,) Case No. 1:06-cv-058
Social Security Administration,)
Defendant.)

The above-entitled action was referred to Magistrate Judge Charles S. Miller, Jr., for the issuance of a Report and Recommendation. Magistrate Judge Miller issued his Report and Recommendation on January 3, 2007, wherein he recommended that the Commissioner's motion for summary judgment be granted and that the matter be dismissed. Neither party objected to the Report and Recommendation.

The Court has carefully reviewed the record along with the Report and Recommendation and finds that Magistrate Judge Miller's Report and Recommendation is thorough and persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 20). The Defendant's Motion for Summary Judgment (Docket No. 8) is **GRANTED** and the Plaintiff's Motion for Summary Judgment (Docket No. 11) is **DENIED**. The Clerk of Court is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated this 24th day of January, 2007.

/s/ *Daniel L. Hoyland*

Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court